

**REMARKS**

Re-examination and allowance of the present application is respectfully requested.

Initially, Applicants thank the Examiner for acknowledging their claim for foreign priority, and for indicating that the certified copy of the priority document has been received. Applicants also thank the Examiner for indicating that the submitted drawings are acceptable.

However, the Examiner did not consider the relevancy of all the documents cited in the Information Disclosure Statement filed on October 5, 2006, stating that a legible copy of each foreign patent document and non-patent literature document was not provided to the Examiner. Applicants note that the non-considered documents (e.g., foreign patents and non-patent literature documents) were cited in the International Search Report that issued with respect to International Patent Application no. PCT/JP2004/016008, of which the present application is the U.S. National Stage application. Further, the Notice of Acceptance mailed on April 26, 2007 in this application indicates that a copy of the International Search Report was mailed by the International Bureau to the U.S. Receiving Office. Thus, the copies of the documents cited in the International Search Report should have been provided to the Examiner by the U.S. Receiving Office. Accordingly, the Examiner is requested to consider the documents cited in the October 5, 2006 Information Disclosure Statement that correspond to the documents cited in the International Search Report, and to indicate such consideration in the next official communication.

For the convenience of the Examiner, Applicants submit a copy of the PTO-1449 Form that previously accompanied the October 5, 2006 Information Disclosure Statement. Applicants submit that no fee is required to be paid to ensure consideration of the previously submitted

materials.

In the Office Action, the Examiner objects to claims 10-15 on the ground that the claims fail to include a proper antecedent basis for the phrase “code vector”. By the current response, Applicants amend the claims, paying particular attention to the concern raised by the Examiner. In view of the current response, Applicants submit that the ground for the objection to the claims no longer exist, and thus, respectfully requests that the claim objection be withdrawn.

Claims 14 and 15 stand rejected under 35 U.S.C. §101 as being directed to non-statutory subject matter. By the current amendment, Applicants amend claims 14 and 15 to indicate that they are directed to statutory subject matter; namely, a voice and musical tone coding program stored on a computer readable medium for execution by a computer. In view of this amendment to claims 14 and 15, Applicants submit that the ground for the non-statutory finding of claims 14 and 15 no longer exists, and respectfully requests withdrawal of this ground of rejection.

Applicants respectfully traverse the 35 U.S.C. §103(a) rejection of claims 10-15 as being obvious over U.S. Patent Application Publication No. 2002/0013703 to MATSUMOTO et al. in view of U.S. Patent 5,502,789 to AKAGIRI.

In setting forth this rejection, the Examiner asserts that MATSUMOTO et al. discloses all the features of the claimed invention but for a quadrature transformation processing section. However, the Examiner asserts that this feature is taught by AKAGIRI at column 4, lines 54-59, and thus, it would have been obvious for one skilled in the art at the time of Applicants’ invention to combine the teachings of the two documents to arrive at Applicants’ claimed invention.

Applicants respectfully disagree with the Examiner’s assertion. noting that paragraph [0065] of MATSUMOTO et al. discloses orthogonally transforming an LPC residue signal and  
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changing bit allocations upon quantizing the coefficients obtained by the orthogonal transform, according to, for example, a hearing sense masking model. Applicants submit that changing a bit allocation for quantization based on the hearing sense masking model in MATSUMOTO et al. is totally different from the presently claimed feature of changing a calculation method of a distance between the voice and musical tone signal frequency component and the elements of code vector based on the auditory masking characteristic value. Applicants submit that the technique disclosed in MATSUMOTO et al. of changing a bit allocation for quantization based on the hearing sense masking model fails to provide an advantage unique to the present invention of being able to select a suitable code vector that minimizes degradation of a signal that has a large auditory effect, and to obtain a high-quality output signal.

Applicants submit that MATSUMOTO et al. fails to disclose or suggest changing a calculation method of the distance between the voice and musical tone signal frequency component and the elements of code vector based on the auditory masking characteristic value, as specified in Applicants' pending claims. Further, Applicants submit that AKAGIRI fails to disclose or even suggest this feature lacking in MATSUMOTO et al. Accordingly, Applicants submit that if one attempted to combine the teachings of the applied references in the manner suggested by the Examiner, one would fail to arrive at the claimed invention, as such a combination would at least fail to change a calculation method of the distance between the voice and musical tone signal frequency component and the elements of code vector based on the auditory masking characteristic value, as is required by the pending claims.

In view of the above, Applicants submit that the applied art of record fails to render obvious the pending claims. Accordingly, the examiner is respectfully requested to withdraw the 35 U.S.C. §103(a) rejection of the claims, to indicate the allowability of claims 10-15, and to

pass this application to issue.

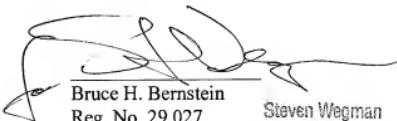
SUMMARY AND CONCLUSION

In view of the fact that none of the art of record, whether considered alone or in combination, discloses or suggests the present invention as now defined by the pending claims, and in further view of the above amendments and remarks, reconsideration of the Examiner's action and allowance of the present application are respectfully requested and are believed to be appropriate.

Should the Commissioner determine that an extension of time is required in order to render this response timely and/or complete, a formal request for an extension of time, under 37 C.F.R. §1.136(a), is herewith made in an amount equal to the time period required to render this response timely and/or complete. The Commissioner is authorized to charge any required extension of time fee under 37 C.F.R. §1.17 to Deposit Account No. 19-0089.

If there should be any questions concerning this application, the Examiner is requested to contact the undersigned at the telephone number listed below.

Respectfully submitted,  
Tomofumi YAMANASHI et al.



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